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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: Case No. ID-2002 63332

TERESA LYNN WALSH
4276 Churchill Drive
Pleasanton, CA 94588

A C C U S A T I O N

Physical Therapist Assistant
License No. AT 1272

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about August 1, 1986, the Physical Therapy Board of California issued Physical Therapist Assistant License Number AT 1272 to TERESA LYNN WALSH (Respondent). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2004, unless renewed.

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JURISDICTION

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3. This Accusation is brought before the Physical Therapy Board of

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California (Board), Department of Consumer Affairs, under the authority of the following laws.

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All section references are to the Business and Professions Code unless otherwise indicated.

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4. Section 2609 of the Code states:

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AThe board shall issue, suspend, and revoke licenses and approvals to practice

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physical therapy as provided in this chapter.@

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5. Section 2660 of the Code states:

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AThe board may, after the conduct of appropriate proceedings under the

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Administrative Procedure Act, suspend for not more than 12 months, or revoke, or

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impose probationary conditions upon, or issue subject to terms and conditions any

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license, certificate, or approval issued under this chapter for any of the following causes:

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(d) Conviction of a crime which substantially relates to the qualifications,

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functions, or duties of a physical therapist. The record of conviction or a certified

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copy thereof shall be conclusive evidence of that conviction.

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(i) Conviction of a violation of any of the provisions of this chapter or of

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the State Medical Practice Act, or violating, or attempting to violate, directly or

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indirectly, or assisting in or abetting the violating of, or conspiring to violate any

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provision or term of this chapter or of the State Medical Practice Act.

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(l) The commission of any fraudulent, dishonest, or corrupt act which is

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substantially related to the qualifications, functions, or duties of a physical

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1 therapist.@

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3 6. Section 2661 of the Code states:

4 AA plea or verdict of guilty or a conviction following a plea of nolo contendere

5 made to a charge of a felony or of any offense which substantially relates to the

6 qualifications, functions, or duties of a physical therapist is deemed to be a conviction

7 within the meaning of this article. The board may order the license suspended or

8  revoked, or may decline to issue a license, when the time for appeal has elapsed, or the

9 judgement of conviction has been affirmed on appeal or when an order granting

10 probation is made suspending the imposition of sentence, irrespective of a subsequent

11 order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her

12 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or

13 dismissing the accusation, information, or indictment.@

14 7. Section 490 states:

15 "A board may suspend or revoke a license on the ground that the licensee has

16 been convicted of a crime, if the crime is substantially related to the qualifications,

17 functions, or duties of the business or profession for which the license was issued. A

18 conviction within the meaning of this section means a plea or verdict of guilty or a

19 conviction  following a plea of nolo contendere. Any action which a board is permitted to

20 take following the establishment of a conviction may be taken when the time for appeal

21 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order

22 granting probation is made suspending the imposition of sentence, irrespective of a

23 subsequent order under the provisions of Section 1203.4 of the Penal Code."

24 8. Section 493 of the Code states:

25 ANotwithstanding any other provision of law, in a proceeding conducted by a

26 board within the department pursuant to law to deny an application for a license or to


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1 suspend or revoke a license or otherwise take disciplinary action against a person who
2 holds a license, upon the ground that the applicant or the licensee has been convicted of a
3 crime substantially related to the qualifications, functions, and duties of the licensee in
4 question, the record of conviction of the crime shall be conclusive evidence of the fact
5 that the conviction occurred, but only of that fact, and the board may inquire into the
6 circumstances surrounding the commission of the crime in order to fix the degree of
7 discipline or to determine if the conviction is substantially related to the qualifications,
8 functions, and duties of the licensee in question.

9 AAs used in this section, >license= includes >certificate,= >permit,=
10 >authority,= and >registration.=@

11 9. Section 810 of the Code states:

12 A(a) It shall constitute unprofessional conduct and grounds for disciplinary
13 action, including suspension or revocation of a license or certificate, for a health care
14 professional to do any of the following in connection with his or her professional
15 activities:

16 A(1)  Knowingly present or cause to be presented any false or fraudulent claim for
17 the payment of a loss under a contract of insurance.


18 A(2) Knowingly prepare, make, or subscribe any writing, with intent to present or
19 use the same, or to allow it to be presented or used in support of any false or fraudulent
20 claim.

21 A(b) It shall constitute cause for revocation or suspension of a license or
22 certificate for a health care professional to engage in any conduct prohibited under
23 Section 1871.4 of the Insurance Code or Section 550 of the Penal Code.

24 A(c) As used in this section, health care professional means any person licensed
25 or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative
26 Act, or the Chiropractic Initiative Act.@

1 10. Section 550 of the Penal Code states:

2 A(a) It is unlawful to do any of the following, or to aid, abet, solicit, or conspire
3 with any person to do any of the following:

4 A(1) Knowingly present or cause to be presented any false or fraudulent claim for
5 the payment of a loss or injury, including payment of a loss or injury under a contract of
6 insurance. 

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9 A(4) Knowingly present a false or fraudulent claim for the payments of a loss for
10 theft, destruction, damage, or conversion of a motor vehicle, a motor vehicle part, or
11 contents of a motor vehicle.

12 A(5) Knowingly prepare, make, or subscribe any writing, with the intent to
13 present or use it, or to allow it to be presented, in support of any false or fraudulent claim.

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15 A(b) It is unlawful to do, or to knowingly assist or conspire with any person to
16 do, any of the following:

17 A(1) Present or cause to be presented any written or oral statement as part of, or
18 in support of or opposition to, a claim for payment or other benefit pursuant to an
19 insurance policy, knowing that the statement contains any false or misleading
20 information concerning any material fact.

21 A(2) Prepare or make any written or oral statement that is intended to be
22 presented to any insurer or any insurance claimant in connection with, or in support of or
23 opposition to, any claim or payment or other benefit pursuant to an insurance policy,
24 knowing that the statement contains any false or misleading information concerning any
25 material fact.

26 A(3) Conceal, or knowingly fail to disclose the occurrence of, an event that
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1 affects any person's initial or continued right or entitlement to any insurance benefit or
2 payment, or the amount of any benefit or payment to which the person is entitled. @

3 11. Vehicle Code section 20002 provides, in pertinent part, as follows:

4 A(a) The driver of any vehicle involved in an accident resulting only in damage
5 to any property, including vehicles, shall immediately stop the vehicle at the nearest
6 location that will not impede traffic or otherwise jeopardize the safety of other motorists.
7 Moving the vehicle in accordance with this subdivision does not affect the question of
8 fault. The driver shall also immediately do either of the following:

9 A(1) Locate and notify the owner or person in charge of that property of the name
10 and address of the driver and owner of the vehicle involved and, upon locating the driver
11 of any other vehicle involved or the owner or person in charge of any damaged property,
12 upon being requested, present his or her driver's license, and vehicle registration, to the
13 other driver, property owner, or person in charge of that property. The information
14 presented shall include the current residence address of the driver and of the registered
15 owner. If the registered owner of an involved vehicle is present at the scene, he or she
16 shall also, upon request, present his or her driver's license information, if available, or
17 other valid identification to the other involved parties.

18 A(2) Leave in a conspicuous place on the vehicle or other property damaged a
19 written notice giving the name and address of the driver and of the owner of the vehicle
20 involved and a statement of the circumstances thereof and shall without unnecessary
21 delay notify the police department of the city wherein the collision occurred or, if the
22 collision occurred in unincorporated territory, the local headquarters of the Department of
23 the California Highway Patrol. @

24 12. Section 2661.5 of the Code states, in pertinent part:

25 A(a) In any order issued in resolution of a disciplinary proceeding before the
26 board, the board may request the administrative law judge to direct any licensee found
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1 guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and
2 reasonable costs of the investigation and prosecution of the case.@

3 A(b) The costs to be assessed shall be fixed by the administrative law judge and
4 shall not in any event be increased by the board. When the board does not adopt a
5 proposed decision and remands the case to an administrative law judge, the
6 administrative law judge shall not increase the amount of the assessed costs specified in
7 the proposed decision.

8 A(c) When the payment directed in an order for payment of costs is not made by
9 the licensee, the board may enforce the order of payment by bringing an action in any
10 appropriate court. This right of enforcement shall be in addition to any other rights the
11 board may have as to any licensee directed to pay costs.

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14 A(d) In any judicial action for the recovery of costs, proof of the board's decision
15 shall be conclusive proof of the validity of the order of payment and the terms for
16 payment.@

17 FIRST CAUSE FOR DISCIPLINARY ACTION

18 (Criminal Convictions)

19 13. Respondent is subject to disciplinary action for unprofessional conduct
20 pursuant to Business and Professions Code sections: 2660(d); and/or 2661; and/or 490 and 493.
21 The facts and circumstances are as follows:

22 A. On or about December 3, 2002, in the County of Contra Costa,
23 Superior Court of the State of California, Superior Court Docket No. 3-206014-3, respondent
24 was convicted, following a plea of nolo contendere, to Counts 1 and 2 of a Complaint alleging a
25 violation of Penal Code section 550 (b)(1) as Count 1 and a violation of Vehicle Code section
26 20002(a) as Count 2. Both convictions were deemed to be misdemeanors.

1 B. Respondent was sentenced to serve 30 days in County Jail
2 (Sheriff=s Work Program), 3 years Court Probation, and to make restitution to the Victim=s
3 Restitution Fund.

4 C. The facts and circumstances leading to the conviction are that, on
5 or about July 8, 2002, respondent, who was driving a Chevrolet Suburban, committed a hit and
6 run collision on a parked vehicle, a Porsche Boxster, on Alcosta Boulevard in San Ramon.
7 Thereafter, respondent falsely reported to police that her parked vehicle had been struck by an
8 unknown hit and run vehicle. Similarly, respondent filed a false claim and report with her
9 automobile insurance company, California State Automobile Association (CSAA), also stating
10 that her vehicle had been damaged by unknown hit and run vehicle.

11 D. Said convictions are crimes of dishonesty, fraud, and corruption
12 and are substantially related to the qualifications, functions, and duties of a physical therapist.

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16 SECOND CAUSE FOR DISCIPLINARY ACTION

17 (Insurance Fraud)

18 14. Respondent is subject to disciplinary action for unprofessional conduct
19 pursuant to Business and Professions Code sections: 810(a)(1); and/or 810(a)(2); and/or 810(b).
20 The facts and circumstances are as follows: Paragraph 13 herein above is referred to and
21 incorporated by reference as though fully set forth herein.

22 THIRD CAUSE FOR DISCIPLINARY ACTION

23 (Dishonesty)

24 15. Respondent is subject to disciplinary action for unprofessional conduct
25 pursuant to Business and Professions Code section 2660(l). The facts and circumstances are as
26 follows: Paragraph 13 herein above is referred to and incorporated by reference as though fully

1 set forth herein.

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PRAYER

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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

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1. Revoking or suspending Physical Therapist Assistant License Number AT 1272, issued to TERESA LYNN WALSH;

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2. Ordering TERESA LYNN WALSH to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

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3. Taking such other and further action as deemed necessary and proper.
DATED: June 13, 2003

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Original signed by Steven K. Hartzell
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant